

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 05, 2013

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Guthrie, Senators Brackett, Tippetts, Rice, Nonini, Patrick, Durst and Buckner-Webb

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Bair** called the meeting to order at 8:00 a.m.

**INTRODUCTION:** **Chairman Bair** welcomed the Meridian High School A.P. Government Class.

**H 96** **Chairman Bair** introduced **Carol Youtz**, Acting Executive Director of the Idaho Board of Veterinary Medicine, who introduced **H 96** that will update the definition of two terms used in the Idaho Veterinary Practice Act. These terms are used in subsections 3, 9(a) and (b), and 46 of Idaho Code § 54-2103.

Changes in subsection 9(a), are to clarify the definition of a certified euthanasia technician. In subsection 9(b), the language that authorized persons trained in euthanasia methods prior to December 31, 1992, was stricken. Euthanasia procedures and drugs have changed considerably, so removing this language would assure that only technicians that have current training in humane euthanasia practices would be allowed to perform animal euthanasia. In subsection 46, changes to the definition of "veterinary technician" are made to reflect a name change for a national association. **Ms. Youtz** stood for questions.

**Senator Tippetts** asked if subsection 9(b), was removed, would this make the euthanasia technicians that qualified under this provision lose their certification. **Ms. Youtz** answered no. Of the fifty-eight certified euthanasia technicians currently in Idaho, the most senior of them has been working since 1998. All euthanasia technicians are now required to recertify by taking new training every three years. If they chose not to attend that training, their license would be pulled.

**MOTION:** **Senator Durst** moved to send **H 096** to the floor with a **do pass** recommendation. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**. **Senator Durst** will carry this bill on the floor.

**H 97** **Ms. Youtz** next introduced **H 97**, that removes the refund for the original veterinarian application fees. This bill would allow the board to recover the expenses incurred when an application is either withdrawn by the applicant or denied by the board. It is consistent with the board's proposed rulemaking to treat all license-types the same. The renewal fees for the euthanasia program are no longer refunded, and this year the board removed the application fee refund for the certified veterinary technician. The applications take approximately ten hours of staff time to process and can take up to six months to receive all the documentation (notarized affidavits, etc.). In about 80 percent of the ten states that were reviewed for their application processing and refund policy, most stated the fees are "non-renewable." **Ms. Youtz** stated that the board is a dedicated fund agency and this bill would have zero impact on funds, and may even have an increase of up to \$2,000. The bill passed in the House, but there were some concerns voiced about keeping the money. **Ms. Youtz** stood for questions.

**Senator Buckner-Webb** questioned the use of the word "renewable" in Ms. Youtz's presentation, and suggested that the word should have been "refundable." She asked about the fee and how much it is. **Ms. Youtz** responded that the veterinarian application fee for a first year license is \$200.

**Senator Rice** asked how much of the \$200 is the application fee, and how much is the first year license fee. **Ms. Youtz** responded that the total application fee is \$309, of which \$34 is for the criminal background check that is never refunded and is passed on to the Idaho State Police. Per statute, \$75 is for the exam that every applicant must take, and is not refundable. The remaining \$200 is what would be refunded, and the intent of **H 97** is for the board to keep that amount to cover the cost of the application processing.

**Senator Rice** asked if it is just the license fee, and not the application fee that is \$200. **Ms. Youtz** responded that it is \$175 for the license fee, and \$25 for the application process. **Senator Rice** asked if the \$175 is the only amount refundable. **Ms. Youtz** responded no, currently it is the full \$200, out of the \$309 collected, that is refunded.

**Vice Chairman Guthrie** said he appreciates all the hard work the board does processing these applications, but from the side of the applicant, it can appear as almost a punitive measure to not refund the license fee. **Ms. Youtz** explained that one of the main concerns of the board is to be able to recover the processing costs. They are trying to keep all license types the same with have non-refundable application fees.

**Senator Tippets** said that a license application fee should be set at an appropriate level so it not only covers the cost of reviewing the application, but the decision making process to grant the license as well. He said that it appears the license application fee is set too low to cover those costs and seems like the board is trying to recover some of those costs in the first year license fee. He said the fee structure should be two separate items, the first fee should be for processing the application and the second fee should be set for the actual granting of the license. It seems inappropriate to not refund the license fee when the license was never granted.

**Ms. Youtz** responded that the entire fee structure was changed in fiscal year 2013 and that the board would have to change statute and rule again if they needed to restructure the entire license fee. **Senator Tippets** said that it appears the amount is not enough to cover the costs associated with reviewing an application and granting a license, so the board wants include the first year's license fee to cover their costs. **Ms. Youtz** responded that she believed he was correct, although she was not prepared to speak to that. Without the first year license fee of \$175, only \$25 would be left to do 10 hours of staff work, and that would be insufficient.

**Senator Durst** commented that not refunding the processing fees would make more sense, but that it seems fundamentally unfair that the license fee cannot be refunded, especially when an application is withdrawn.

**MOTION:**

**Senator Durst** moved to hold **H 97** in committee. **Senator Rice** seconded the motion. **Senator Tippets**, **Senator Rice**, and **Senator Buckner-Webb** supported the motion, and agreed that it seemed inappropriate and unfair that the fee would not be refunded if the license was not granted. Motion carried by **voice vote**.

**Ms. Youtz** then asked whether the other three license types that currently do not refund application fees continue the status quo, or would the committee like to see legislation next year. **Chairman Bair** asked her to come to the committee office and they could discuss it further.

**H 175**

**Larry Hayhurst**, Idaho State Brand Inspector, addressed the committee regarding **H 175**. This bill is a fix to Idaho Code § 45-805, that was changed last year. Idaho Code § 45-805 is essentially an agister's lien, and can be filed when the caretaker or trainer caring for another's equine or livestock has not been paid and the nonpayment of charges persists past sixty days. The intent of Idaho Code § 45-805 was to give horse owners another place to go to dispose of the horses, and have a public auction rather than take it to a licensed public livestock auction market or livestock charter. There were a couple of items that were overlooked, in spite of the participation various associations in the industry.

**H 175** has two components to it. First it separates the cattle from equines. The second component that came up is the wording "public auction" that implied that an equine seller had to hire an auctioneer, another expense. This wording has been changed to "a sale offered to the public," as it pertains to equines. **Mr. Hayhurst** stood for questions.

**Senator Durst** asked for clarification on the difference between licensed public auction and a licensed public livestock auction market, and are they mutually exclusive. **Mr. Hayhurst** said a licensed public livestock auction market is a charter that is regulated by the state due to animal control issues and by the Packers and Stockyards Act (PSA). At a licensed public livestock auction market, the seller is also protected by this PSA, so if the buyer's check bounces, the seller still gets paid. There is more competition and more people bidding on the horses, with a better chance of getting a fair price. There is only livestock sold at these auctions. A private sale or an auction where the horses can be sold is done by getting an auctioneer and the State Brand Inspector will write a normal brand inspection. This gives an alternative place for the holder of equines to be sold.

**Vice Chairman Guthrie** requested clarification on the language specific to the lien that can allow for the sale of equines at a "sale offered to the public." If an ad was placed in a local paper stating the date, place, time, and type of animal being sold, would that meet the criteria for "sale offered to the public." **Mr. Hayhurst** stated that he believed that this does meet the criteria. As long as the seller is announcing a sale to the public with all these specifics as this ad does, it will suffice.

**MOTION:**

**Senator Brackett** moved to send **H 175** to the floor with a **do pass** recommendation. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**. **Senator Brackett** will carry on the floor.

**ADJOURNED:**

**Chairman Bair** adjourned the meeting at 8:35 a.m.

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Senator Bair  
Chairman

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Denise McNeil  
Secretary